



UNITED STATES PATENT AND TRADEMARK OFFICE

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APR -2 2004

Paper No. 12

In re Application of
Jean-Yves Porret *et al*
Application No. 09/623,926
Filed: February 26, 2001
Attorney Docket No. P-4284

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: DECISION ON PETITION
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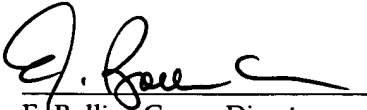
This is a decision on the petition filed on March 4, 2004 by which petitioners request withdrawal of the examiner's holding that this application stands abandoned for failure to file a proper and timely reply to the final Office action dated April 23, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required. A refund of the \$130.00 petition fee tendered with the petition will be credited to Deposit Account No. 02-1666.

The petition is granted.

Petitioners allege that this application is not abandoned because a proper reply to the Office letter in question was in fact filed on July 23, 2003. Petitioners support this allegation by furnishing a copy of the reply and a copy of filing receipt for the reply showing that the reply was in fact received in the Office by facsimile transmission on July 23, 2003, a date within the period set by the Office letter in question for filing a reply. Noting that the reply was filed pursuant to 37 CFR 1.113 and 1.116, the reply has been referred to the examiner for a determination of whether the reply satisfies those regulations. The examiner reports that the reply places the application in condition for allowance. Therefore, the reply was in fact proper. Petitioners are advised that the copy of the reply that was transmitted to the Office on December 19, 2003 was received and has been attached to the petition.

Based upon the evidence furnished by petitioners, it is clear that this application is not abandoned. Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application will be forwarded to the Head Supervisory Applications Examiner who will refund the petition fee as discussed above, and who will endorse the amendment submitted with the petition into the application file. The application will then be forwarded to the examiner for action on the amendment filed July 23, 2003.

PETITION GRANTED.


E. Rollins-Cross, Director
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Adjustment date: 04/14/2004 ENILLER

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